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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 In re MARK L. DUBOIS; DONNA D.
11 DUBOIS,

12 Debtors.

13 TED SPICE

14 Appellant,

15 v.

16 MARK L. DUBOIS, et. al.,

17 Appellees.

CASE NO. 21-0384 RJB

BAP NO. 21-1037

Bk. No. 13-4604 BDL

ORDER ON MOTION FOR
RECUSAL

18 This matter comes before the Court on the Appellant Ted Spice's Motion for Recusal.
19 (Dkt. 14). The Court has considered the pleadings filed regarding the motion and the remaining
20 record.

21 This case, brought by Ted Spice, is an appeal of the Chapter 7 Bankruptcy Trustee Brian
22 L. Budsberg's successful objection to Mr. Spice's proof of claim in the bankruptcy of Mark
23 Dubois and Donna Dubois. Mr. Spice now moves the Court to voluntarily recuse from this case.
24

1 Dkt. 14. For the reasons provided below, the Court will decline to voluntarily recuse, and will
2 refer the question to the chief judge.

3 **Motion to Recuse**

4 Under 28 U.S.C. § 144,

5 Whenever a party to any proceeding in a district court makes and files a timely
6 and sufficient affidavit that the judge before whom the matter is pending has a
7 personal bias or prejudice either against him or in favor of any adverse party, such
judge shall proceed no further therein, but another judge shall be assigned to hear
such proceeding.

8 The affidavit shall state the facts and the reasons for the belief that bias or
9 prejudice exists, and shall be filed not less than ten days before the beginning of
the term at which the proceeding is to be heard, or good cause shall be shown for
10 failure to file it within such time. A party may file only one such affidavit in any
case. It shall be accompanied by a certificate of counsel of record stating that it is
made in good faith.

11 Additionally, pursuant to 28 U.S.C. § 455(a), “[a]ny justice, judge, or magistrate judge of the
12 United States shall disqualify himself in any proceeding in which his impartiality might
13 reasonably be questioned.”

14 The undersigned will not voluntarily recuse from this case. Mr. Spice’s motion for
15 recusal (Dkt. 14) should be denied. The Plaintiff has made no showing that the undersigned,
16 before whom this matter is pending, has a bias or prejudice against him or his lawyers, or
17 favoritism towards the Defendants, and none exists. He makes no showing that the
18 undersigned’s “impartiality might reasonably be questioned.”

19 The Plaintiff argues that the undersigned’s Order on Motions to Dismiss and Various
20 Other Motions, in *Spice v. Internal Revenue Service, et. al.*, Western District of Washington Case
21 number 20-5005-RJB, Dkt. 47 (which dismissed his claims against Trustee Budsberg and the
22 debtors Mark and Donna Dubois and ordering sanctions against him and one of his lawyers)
23 demonstrates that the undersigned has bias or prejudice against him. That order is attached for
24

1 ease of reference. The Plaintiff fails to point to sufficient grounds for the undersigned to recuse
2 voluntarily based on this or other ruling in any of his cases. “Judicial rulings alone almost never
3 constitute a valid basis for a bias or partiality motion.” *Liteky v. United States*, 510 U.S. 540,
4 555 (1994).

5 The Court should decline to recuse voluntarily and should refer the motion for recusal to
6 Chief Judge Ricardo S. Martinez, pursuant to Western District of Washington Civil Rule of
7 Procedure (“Local Rule”) 3(e), which provides:

8 Whenever a motion to recuse directed at a judge of this court is filed pursuant to
9 28 U.S.C. § 144 or 28 U.S.C. § 455, the challenged judge will review the motion
10 papers and decide whether to recuse voluntarily. If the challenged judge decides
11 not to voluntarily recuse, he or she will direct the clerk to refer the motion to the
12 chief judge, or the chief judge’s designee. If the motion is directed at the chief
13 judge, or if the chief judge or the chief judge’s designee is unavailable, the clerk
14 shall refer it to the active judge with the highest seniority.

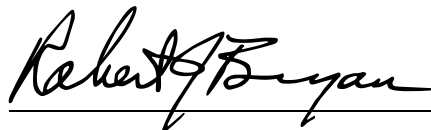
15 **ORDER**

16 Therefore, it is hereby **ORDERED** that:

- 17
- 18 • Appellant Ted Spice’s Motion for Recusal (Dkt. 14) **IS DENIED**; and **IS**
19 **REFERRED** to Chief Judge Ricardo S. Martinez pursuant to Local Rule 3(e).

20 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
21 to any party appearing *pro se* at said party’s last known address.

22 Dated this 30th day of April, 2021.

23 

24 ROBERT J. BRYAN
United States District Judge